IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 365 of 2005

Between:

1 Md. Hameed Dashti, S/o. Mohamood Dashti,
Plot No. 1, First Floor, Bapu Bagh Colony,

Beside Food World, Prenderghast Road,
Secunderabad.
2 Mukhtar Dahkhani, S/o. Ahmed Ali Dehkhani,
R/o. Plot No.9, Viman Nagar Colony, Secunderabad.

..... PETITIONERS

AND

1 Government of India, rep. by Secretary,

Law and Legislative Affiars, New Delhi.
2 Begum Pasha, W/o. Khaieel Ahmed Khan,
R/o. 287/A, Nallagutta, Secunderabad.

.....RESPONDENTS

ORDER: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

In this case, vacate stay petition has been filed. Constitutional validity of amendment to Section 106 of the Transfer of Properties Act has been challenged in this writ

petition.

It is fairly conceded at the bar that this matter is covered by a judgment of the Supreme Court reported in ***Zile Singh vs. State of Haryana and others***.

Therefore, this writ petition is not maintainable, and is, accordingly, dismissed. No costs.

At this stage, learned Counsel for the petitioners seeks time to vacate the premises as it is a commercial property and it will take some time to find alternative accommodation. After hearing both the parties, we grant him time to vacate the premises till

31st of December, 2005. There shall be an unconditional stay for a period of three weeks from today. Within three weeks, the petitioners shall file an undertaking before the trial Court that they shall vacate and hand over the premises to the respondent-landlord by or before 31st of December, 2005. If such an undertaking is not given within the time stipulated, the respondent-landlord shall be at liberty to seek eviction through appropriate proceedings. It is also made clear that the petitioners shall continue to pay the rents for the period for which they are permitted to occupy the premises.

(Bilal Nazki, A.C.J)

30th August, 2005

(R.Subhash Reddy, J)

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